

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,	:	
	:	Case No. 5:97-cr-00090
Plaintiff,	:	
	:	
vs.	:	ORDER
	:	
ALEXANDER YAROMICH,	:	
	:	
	:	
Defendant.	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Alexander Yaromich moved for a sentence reduction under the compassionate-release statute.¹ Yaromich's motion argued, in part, that a nonretroactive sentencing-law change presented an extraordinary and compelling reason for relief.²

When Yaromich filed his motion, the Sixth Circuit had issued conflicting decisions about whether district courts could consider nonretroactive sentencing-law changes when deciding compassionate-release motions.³ But the en banc Sixth Circuit appeared ready to resolve the intracircuit split in *United States v. McCall*.⁴

On November 1, 2022, the Court granted the Government's motion to hold Yaromich's motion in abeyance pending the Sixth Circuit's *McCall* decision.⁵

On December 22, 2022, the Sixth Circuit issued its *McCall* decision.⁶ The en banc court held that nonretroactive sentencing-law changes do not provide extraordinary and

¹ Doc. 136; 18 U.S.C. § 3582(c)(1)(A)(ii). Yaromich's counsel supplemented his pro se motion. Doc. 140.

² Doc. 140 at 4 (PageID 214).

³ See *United States v. McCall*, 21-3400, 2022 WL 17843865, at *2 (6th Cir. Dec. 22, 2022) (describing the split).

⁴ *United States v. McCall*, 29 F.4th 816 (6th Cir. 2022) (mem.) (granting rehearing en banc).

⁵ Doc. 142.

⁶ *McCall*, 2022 WL 17843865 (6th Cir. Dec. 22, 2022).

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compelling reasons to grant compassionate release.⁷

Now, the Court **LIFTS THE STAY** on Yaromich's motion and **ORDERS** the Government to respond to Yaromich's motion within 21 days of this order. The Court further **ORDERS** Yaromich to file any reply within 14 days of the Government's response.

IT IS SO ORDERED

Dated: December 27, 2022

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ *McCall*, 2022 WL 17843865, at *5–11 (6th Cir. Dec. 22, 2022)